

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER

☐

DATE

October 29, 2014

MOTOR CARRIER MATTER

☐

DOCKET NO.

2014-187-E

UTILITIES MATTER

☒

ORDER NO.

2014-881

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

[DOCKET NO. 2014-187-E](#) - Application of South Carolina Electric & Gas Company for Approval to Revise Rates under the Base Load Review Act – Discuss with the Commission the Petition for Review of Order No. 2014-785 Filed by Joseph Wojcicki.

COMMISSION ACTION:

The Commission has received a filing captioned Petition for a Review of PSC Order No. 2014-785 from Joseph Wojcicki. That Order, issued on September 30, 2014, concerned revised rates for nuclear plant construction that were requested by SCE&G under the Base Load Review Act. However, on closer inspection, Mr. Wojcicki's filing, complains about Order No. 2009-104(A), which originally approved SCE&G's Combined Application to Construct and Operate a Nuclear Facility in Jenkinsville. Order No. 2009-104(A) was issued under the requirement of S.C. Code Ann. § 58-33-275(A).

The subject matter of Mr. Wojcicki's filing essentially argues that Order No. 2009-104(A) should never have granted SCE&G authority to begin construction because of the amount of cooling water needed to operate the facility. This argument has been made by Mr. Wojcicki previously, and was analyzed and addressed by this Commission specifically in Order Nos. 2009-104(A) at 52-54 and 2009-218 at 28. In the latter order we stated, "As witnesses for both the Company and ORS testified, the water supplies available at the site of Units 2 and 3 are more than adequate to support reliable operations of Units 2 and 3."

Since his filing challenges a determination of prudence made under S.C. Code Ann. § 58-33-275(A), I move that we reject it as directed to by S.C. Code Ann. § 58-33-275(B), which states those determinations may not be relitigated or reopened in a subsequent proceeding. The South Carolina Supreme Court affirmed that S.C. Code Ann. § 58-33-275(B) prohibits challenging or reopening determinations made under S.C. Code Ann. § 58-33-275(A) in Opinion No. 27456 filed on October 22, 2014. Considering the clear mandates given by the Code Sections and the Supreme Court opinion, and the number of times this issue has already been raised and rejected by this Commission, any further filings by Mr. Wojcicki regarding a Section 58-33-275 (A) determination will be returned to him as legally deficient and contrary to settled law, and will not be posted to the Commission's Docket Management System.

Finally, even if the present filing by Mr. Wojcicki could be construed as a Petition for a Review of the Commission's Revised Rates Order No. 2014-785, the filing does not comply with the requirements of S.C. Code Ann. § 58-33-285 (C) and, thus, should be rejected, because the document does not identify with particularity the specific issues being raised with regard to the revised rates order.

PRESIDING: HallSESSION: RegularTIME: 2:00 p.m.

MOTION YES NO OTHER

ELAM	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HOWARD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Absent

Commission Business

(SEAL)

RECORDED BY: J. Schmieding

